

### Remarks

Initially, Applicant wishes to thank Examiner Mengistu for his courtesies in granting recent telephone interviews to his attorney. During those conversations the distinctions defined by the *claimed* invention over the newly cited prior art were explained to the Examiner, as discussed below.

Claims 1, 2, 3, 6-9, 12, 14, 16-20, 22, 25-33, and 35-38 ostensibly stand rejected as having been anticipated by Vayda et al. U.S. patent No. 5,745,717, and Claims 11 and 13 stand rejected as having been obvious, to one of ordinary skill in the art, over the patent to Vayda et al. in view of Kinawi et al. U.S. patent No. 6,545,669.<sup>1</sup> It is respectfully submitted that neither of those rejections is meritorious.

Most significantly, it is noted that no ground for rejection acknowledges a fundamental and unique limitation that is effectively present in each and every claim of the application: Nowhere does the Examiner assert that either Vayda et al. or Kinawi et al. teaches or suggests the requirement that the predetermined bearing, along which the pointing device is moved for selection of a desired symbol, be “offset relative to the location of the symbol to be selected.” Taken with the fact that the predetermined bearing is also “substantially parallel to a direction of the desired symbol, relative to a central region of the communication

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<sup>1</sup> There is inconsistency between the statement of the Disposition of Claims in the Office Action Summary, and the identifications of claims rejected set forth in the Detailed Action.

region,” independent Claims 1 and 20 (and hence, all claims pending in the application) define an invention that is clearly novel and patentable over the prior art.

The foregoing claim recitations establish that the predetermined bearing along which the pointing device is moved, for selection of a desired symbol, need pass neither through the symbol nor through a central region of the defined communication region. It is unique to the invention that an effective bearing for selection can extend parallel to and offset from both the desired symbol and also the central region.

These characteristics of Applicant’s system and method are explained in the specification. During the most recent interview with the Examiner, his attention was invited particularly to the provision of the paragraph bridging pages 2 and 3, referring to a location of movement that may be generally parallel to the ideal direction and of variable length; to the provision on page 14, referring to movements in certain directions without the need for undue precision; and to the paragraph at the top of page 16, referring to a simple movement in the appropriate direction.

In clear contrast, the primary reference to Vayda et al. is concerned only with radial movement, and obviously therefore affords far less flexibility than is inherent in the movements that characterize the system and method of the present amended claims. In using the system described by Vayda et al., movement *must*

begin from a central focus (see especially the disclosure at lines 9-34 in column 7 of the patent). While such a focus area may be analogized to a central region described in the instant disclosure, it is essential to understand that, in the practice of the present invention, movement to select a desired symbol need not commence at any central region or other defined location.

Further explanation was provided to the Examiner with reference to Figure 1, upon which he chose to focus. It is noted however that Figure 2 provides a better illustration of the claimed invention.

As explained in the passage bridging pages 12 and 13, the symbol 15 to be selected is within a communication region 11 (there being four communications regions in the figure), and the symbol to be selected is chosen by movement of the pointing device in the appropriate direction. It is again noted that the passage bridging pages 2 and 3 of the specification clearly discloses that the direction of cursor movement, for selection of a desired symbol, can be parallel and offset relative to the direction from the center of the region 11 to the selected symbol 15.

By way of further example, if the desired symbol were to lie due East of the center of the display, then movement in a West-East direction would select the desired symbol, even if that bearing were to be *displaced to the North or to the South* of the line joining the central region to the desired symbol. The tolerance that is inherent in such latitude of movement affords considerable flexibility to the

user; obviously, it is easier and more convenient to trace a line in a given direction (i.e., a line having a given bearing) than it is to necessarily contact small discrete regions on the surface of a display. It is emphasized that, in accordance with the instant claims, it is the bearing that is important, and not impingement with any particular part of the display.

The patent to Kinawi et al. obviously fails to cure the fundamental deficiencies of Vayda et al. as a teaching of, or suggestion for, the claimed invention. The secondary reference is cited only to establish that it is well known for touch screen display systems to select symbols by tapping the desired region. That disclosure does not even correspond however to the limitations that are set forth in Claims 11 and 13, both of which concern only means for selecting *further* symbols. In accordance with Claim 13, moreover, the further symbols are selected on the basis of the speed of movement of the pointing device, not by tapping.

In view of the foregoing, it is respectfully submitted that the claims of the instant invention clearly define an invention that is novel and patentable over the prior art. Withdrawal of the rejections, and passage of the application to allowance, are believed to be clearly in order. Such actions are earnestly solicited.

A Petition for One-Month Extension of Time is enclosed herewith, together with PTO Form 2038 authorizing payment of the requisite fee. Please Charge any deficiency in the payment to Deposit Account 502982.


Respectfully submitted,  
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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on June 23, 2006.



cc: Derek Jackson, Esq.  
(Ref. No. P0434)